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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,131	03/16/2004	Conrado Blasco Allue	550-532	9240
23117	7590	09/27/2006	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			IQBAL, NADEEM	
			ART UNIT	PAPER NUMBER
			2114	

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/801,131	ALLUE ET AL.
	Examiner Nadeem Iqbal	Art Unit 2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 March 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>Nov 16, 2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1 & 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al., (U.S. Patent number 6249885) in view of Culley et al., (U.S. Patent number 6000040).

4. Johnson teaches (col. 3, lines 52-55) a system and method for monitoring and diagnosing a computer comprising microcontroller network, requesting conditions of the computer from the microcontroller network, sensing the conditions of the computer with the network. He thus teaches limitations pertain to a data processing circuit including diagnostic interface circuit coupled to the data processing circuit. He also teaches (col. 5, lines 54-56) that I/O channels, buses and controllers are provided in pairs, therefore if one of these should fail, another independent channel, bus or controller is available for use. He thus teaches the data processing

circuit being switchable between a first state and a second state where a diagnostic interface circuit can perform at least some diagnostic operations. He also teaches (col. 5, lines 43-46) network interface controllers that allow digital communication between the fault tolerant computer systems. He thus teaches a diagnostic transaction request master. He does not explicitly disclose diagnostic interface circuit to return a diagnostic bus transaction error signal to the diagnostic transaction request master. Culley teaches (col. 1, lines 63-66) a central manager to accumulate the fault state information from the fault detectors and fault detectors provide indications to the central manager to indicate faults. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the invention of Culley into the invention of Johnson to provide a diagnostic circuit to return a diagnostic bus transaction error signal as claimed. This is because Johnson already teaches network interface controllers that allow digital communication between the fault tolerant computers, therefore provides motivation for the stated inclusion.

5. Claims 2-6, 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al., (U.S. Patent number 6249885) in view of Culley et al., (U.S. Patent number 6000040) as applied to claim 1 above, and further in view of Sheikh et al., (U.S. Patent number 6202160).

6. As per claim 2, Johnson does not teach data processing circuit is in a low power consumption state whilst in the first state. Sheikh teaches (col. 6 lines 4-6) an interface circuit that receives power from the remote interface power supply and is capable of providing independent power to portion of the fist computer to facilitate reading of the status information. It would have been obvious to a person of ordinary skill in the art to include the invention of Sheikh into the invention of Johnson to allow the diagnosis in the low power consumption state.

This is because Johnson already teaches interface controllers that allow digital communication between the fault tolerant computer system and other computers via a connection.

7. As per claim 3, Sheikh teaches (col. 6 lines 4-6) an interface circuit that receives power from the remote interface power supply and is capable of providing independent power to portion of the first computer to facilitate reading of the status information.

8. As per claim 4, Culley teaches (col. 1, lines 63-66) a central manager to accumulate the fault state information from the fault detectors and fault detectors provide indications to the central manager to indicate faults.

9. As per claim 5, Culley teaches (col. 1, lines 63-66) a central manager to accumulate the fault state information from the fault detectors and fault detectors provide indications to the central manager to indicate faults.

10. As per claim 6, Culley teaches (col. 1, lines 43-45) Fault detectors connected to detect fault states of respective circuits, and a fault manager associates the fault states with the respective circuits.

11. As per claims 8 & 14, Johnson substantially teaches the claimed invention as disclosed related to claim 1 above. He also teaches (col. 3, lines 52-55) a method for monitoring and diagnosing a computer comprising microcontroller network, requesting conditions of the computer from the microcontroller network, sensing the conditions of the computer with the network. He thus teaches limitations pertain to a data processing circuit including diagnostic interface circuit coupled to the data processing circuit. He also teaches (col. 5, lines 54-56) that I/O channels, buses and controllers are provided in pairs, therefore if one of these should fail, another independent channel, bus or controller is available for use. He thus teaches the data

processing circuit being switchable between a first state and a second state where a diagnostic interface circuit can perform at least some diagnostic operations. He also teaches (col. 5, lines 43-46) network interface controllers that allow digital communication between the fault tolerant computer systems. He thus teaches a diagnostic transaction request master. He does not explicitly disclose diagnostic interface circuit to return a diagnostic bus transaction error signal to the diagnostic transaction request master. Culley teaches (col. 1, lines 63-66) a central manager to accumulate the fault state information from the fault detectors and fault detectors provide indications to the central manager to indicate faults. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the invention of Culley into the invention of Johnson to provide a diagnostic circuit to return a diagnostic bus transaction error signal as claimed. This is because Johnson already teaches network interface controllers that allow digital communication between the fault tolerant computers, therefore provides motivation for the stated inclusion.

12. As per claim 9, Johnson does not teach data processing circuit is in a low power consumption state whilst in the first state. Sheikh teaches (col. 6 lines 4-6) an interface circuit that receives power from the remote interface power supply and is capable of providing independent power to portion of the fist computer to facilitate reading of the status information. It would have been obvious to a person of ordinary skill in the art to include the invention of Sheikh into the invention of Johnson to allow the diagnosis in the low power consumption state. This is because Johnson already teaches interface controllers that allow digital communication between the fault tolerant computer system and other computers via a connection.

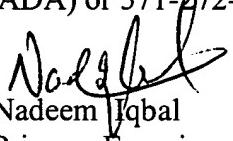
13. As per claim 10, Sheikh teaches (col. 6 lines 4-6) an interface circuit that receives power from the remote interface power supply and is capable of providing independent power to portion of the fist computer to facilitate reading of the status information.
14. As per claim 11, Culley teaches (col. 1, lines 63-66) a central manager to accumulate the fault state information from the fault detectors and fault detectors provide indications to the central manager to indicate faults.
15. As per claim 12, Culley teaches (col. 1, lines 63-66) a central manager to accumulate the fault state information from the fault detectors and fault detectors provide indications to the central manager to indicate faults.
16. As per claim 13, Culley teaches (col. 1, lines 43-45) Fault detectors connected to detect fault states of respective circuits, and a fault manager associates the fault states with the respective circuits.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadeem Iqbal whose telephone number is (571)-272-3659. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571)-272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Nadeem Iqbal
Primary Examiner
Art Unit 2114

NI